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NEW HAVEN ADVOCATE (CT)
20 March 1985

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The CIA Campus Invasion

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By Don Michak

NORTHAMPTON, MASS.—In the end, Judge Alvertus Morse just couldn't do it. He couldn't acquit Perry Amsellem and Lisa Sheehy, two community activists arrested here last November for protesting CIA recruiting at the University of Massachusetts, and charged with criminal trespass by the campus police. Despite his stated sympathy with the defendants' objection to the CIA's covert war in Central America, the first justice of the Hampshire County District Court felt compelled to end their trial last Thursday by finding sufficient facts to warrant a verdict of guilty, and sentencing each to pay court costs of $50 or 15 hours of community service. The charges will in all likelihood be dismissed after six months, and by accepting the verdict, Amsellem and Sheehy forfeited their right to appeal.

This was the first time those arrested in a protest of CIA recruiting on campus went to trial. Six protestors at Yale University in New Haven are slated to appear in court this week. Anti-recruitment protests have occurred at Tufts and Brown Universities, among others, and most recently at Williams College last week, where demonstrators staged a "mock arrest" of New England CIA recruiter Steven Conn.

Northampton Judge Morse's finding seemed to contradict his actions in the well-attended and much-publicized trial. Generally a liberal Republican, Morse allowed the defense to present controversial expert witnesses, including a former director of covert operations for the CIA in Southeast Asia, whose testimony further politicized the proceedings by exclusively attacking the Reagan administration's current policies in Central America. Morse also permitted the two defendants to act as their own attornies, slowing the process and taking up the better part of a day in court. He also let about 100 of the defendants' sympathizers, some with signs and banners, crowd his chamber after picketing the courthouse. And Judge Morse gave quite a speech at the end of the trial supporting the defendants' rights to "read the riot act" to CIA recruiters on college campuses, and upholding the higher law which protects their right "above any picketing code, local law or state ordinance."

Sufficient Facts?

By their own account, Amsellem, Sheehy and several unidentified activists arrived at the UMass Amherst Placement Services offices early on the morning of November 5, 1984. They spent about an hour plastering the building with signs alerting students to the fact that the CIA recruiters were on campus that day, and then waited to discover exactly where they were conducting interviews. They found out around 9:30 a.m., when someone asked a student if he had just met with the agency's representatives. Amsellem and Sheehy then walked into the office and began asking the two recruiters about their employer's employment practices, covert operations, and its activities in Central America. Charlie Turgeon, a CIA recruiter visiting his parents in the area, responded to some of their questions until UMass officials interrupted the exchange.

According to testimony presented at the trial, Associate Director Clarkson Edwards called the campus cops to the Placement Service shortly after he had asked the defendants to leave and the recruiters to move to another room. Amsellem and Sheehy followed them, and continued to engage the CIA representatives in what Edwards called "less than congenial" conversation. On the stand he seemed to imply the defendants and other demonstrators had physically shoved placement office staff out of a doorway, and that tempers flared and voices were raised. He said one of the recruiters complained, "How long is this going to go on?" and "I have another interview to do, you know."

The defendants and the prosecution witnesses differed on the tone of the conversation, as well as the amount of time the former spent discussing things with the CIA. Amsellem and Sheehy said it couldn't have been more than a total of 20 minutes or so, and that they were often interrupted with warnings the police were on their way and that they would be arrested. The state's witnesses, however, maintained the exchange could have taken a hour or more.

In any event, police handcuffed and arrested Amsellem after issuing a five minute warning, and later arrested Sheehy. They were charged with criminal trespass.

Does International Law Apply?

Lisa Sheehy argued during the trial that she and Amsellem had a right to be at the UMass placement offices, "under the authority of international law and according to the Nuremburg and Tokyo trials tradition to which the U.S. was a party." Specifically citing the United Nations charter, the charter of the Organization of American States, the multinational Convention on Terrorism, and The Hague Conference, Sheehy said the laws and treaties gave them "not only the right but the positive responsibility to take such moderate actions."

She said the government broke those obligations by mining Nicaraguan harbors and by training, supplying, and directing the "contras" fighting to overthrow the Sandinista government.

Perry Amsellem repeated the international law argument in his statements to the court. Citing scores of court cases, the 27 year old legal studies student at UMass said he and Sheehy "not only had a right to enter, but an obligation to stop my government from committing crimes so heinous they are on the same level as Nazi war crimes." Amsellem then offered the judge a copy of testimony presented before the Congressional Intelligence committees which detailed "contra" atrocities in Nicaragua. Morse refused the document.

The defendants also argued they were not so much protesting the CIA as petitioning a government agency for a redress of grievances. Said Amsellem, "The Constitution protects our right to take reasonable actions for redressing grievances. . .Our defense is based on the 9th and 10th amendments, and in plain English, that means that simply because the Constitution has listed certain rights, there are not others that the people retain. The right to self-government includes the right to have the government obey its own laws, and the right to have military powers subservient to civil powers."

In response, the Commonwealth argued that the CIA recruiters were "guests" at UMass, that the defendants were asked to leave but refused, that the recruiters had "no choice" but to listen to them, that the defendants blocked access to the recruiters who were also prevented from leaving, and that the exchange delayed the next interview.

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"The defendants had the right to speak with them as long as the CIA recruiters wanted to talk with them and as long as they didn't delay the interviews," said assistant district attorney Rosemary Tarantino.

The defense called Richard Falk to back up its claim that international laws and treaties were relevant in a Mass. District Court. A prominent professor of International Law at Princeton University, Falk said that under Article 6 of the U.S. Constitution, "when the government is using force in a country where there is no declaration of war, it is a very serious issue that makes action very reasonable. It's fair to say the Nuremburg Principles apply to all societies and establish a fundamental right and duty of citizens aware that the government is not conforming to international law to take reasonable action to try to uphold the law." He said U.S. policies in Central America most obviously violated the Organization of American States charter, "a Constitutional document for nations of the Western Hemisphere," under which the pledge of non-intervention is the primary legal obligation that its members have taken by treaty."

An author and research associate at the Institute for Policy Studies in Washington, D.C. testified that a half dozen U.S. laws were being violated by the CIA. Joy Hackel cited the so-called

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"Boland Amendment," passed on December 21, 1982, in which Congress expressly forbade the government from spending money to overthrow the government of Nicaragua, and two spending limit laws, the Defense Supply Appropriations Act of 1983 and 1984 and the October, 21, 1984 continuing resolution. She said the CIA had successfully circumvented the latter by charging costs to the wrong accounts and other deceits. She also charged the CIA violated the Intelligence Oversight Act when it mined Nicaraguan harbors without informing Congress, and that the agency disobeyed President's own executive order number 1233 by writing and distributing a manual for "contra" guerrillas which included instructions for political assassinations. Hackel said the Reagan administration's policies in Central America also "clearly" violate the War Powers Act, and the Neutrality Act.

Louis Wolf, an editor of the controversial *Covert Action Information Bulletin*, testified on the extent of CIA activities in Central America, particularly in Nicaragua. The veteran journalist and CIA watcher said the agency's role there is "to terrorize the entire population," and said it was behind the destruction of food supplies, lumber yards, oil and gas depots, and other targets. Wolf detailed the extent of U.S. support for the "contras," at one point holding up a recent *Life* magazine story picturing "A CIA Man in Nicaragua." "I don't think there's any credible way to believe other than that the CIA is intending to overthrow the government of Nicaragua," he concluded.

The fourth and final expert witness called to the stand by Amsellem and Sheehy was Ralph McGeehee, a 25 year veteren of the CIA who directed covert operations for the agency throughout Southeast Asia. His insider testimony captivated the courtroom.

McGeehee said that in Vietnam, "the CIA was doing nothing other than creating an illusion of reality with its intelligence." He dismissed the idea of Congressional oversight, saying he had helped prepare briefings for Congress "that had absolutely nothing to do with what was going on on the ground." He quoted Rep. Norman Mineta, a current member of the House Intelligence panel, who said, "We're just like the proverbial mushroom—kept in the dark and fed manure."

According to McGeehee, "the same pattern of manipulation in the Vietnam experience is being repeated with Central America." The former agent cited recent resignations by other veteren CIA analysts he said were disgusted with shaping intelligence to fit present policy. "The purpose of these deceits is to allow (CIA director) Casey to sell a program of supporting the contras and overthrowing the Nicaragua government," he said. "The CIA has never been the central intelligence agency, it is instead the covert arm of the president's foreign policy."

Asked whether actions like Amsellem's and Sheehy's have an impact on CIA policy, McGeehee replied that the agency never would have left Vietnam if it had not been for campus protests. "Activities like those in this area are an appropriate response to the agency's illegal activities," he said.

The prosecuting attorney, Rosemary Tarantino, did not question any of the defense's witnesses. "All of the expert testimony today is absolutely irrelevant," she argued. "They were talking to two functionaries of the CIA, and they were not going to stop illegal actions of the CIA by their actions."

Right to Petition

After three hours, both sides had rested and it was Judge Morse's turn.

"It's clear that the defendants in this case felt much deep conviction, and believe as I do, that all citizens have a right to petition their government," he said. "Functionaries or not, (the recruiters) are employees of the CIA, and the defendants had the right to go to them and read the riot act, and a right to raise their voices, and that any picketing code is subservient to that. But there comes a point where that has to end. Whether it's 20-to 25 minutes, or an hour and a half, it was covered in a pretty much one-sided conversation. . .You have to say, alright, you had the time to exercise your rights here."

"These kinds of things disturb me a great deal," he continued. "I'm upset about it. And I understand their frustration and that's why they were allowed to put on this testimony. . .In this case, I'm not going to find either defendant guilty, but it seems to me there comes a point where you can overdo it."

With that, the judge found "sufficient facts" to warrant a guilty verdict and said he would fine Perry Amsellem and Lisa Sheey $150 each in court costs. They bargained it down to $50 of community service.

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